

Approved

Town of Grantham Board of Selectmen - Meeting Minutes March 11, 2015

The regular meeting of the Board of Selectmen was called to order at 5:03pm on Wednesday, March 10, 2015 by Chairman Warren Kimball. The meeting was held in the Grantham Town Building, Jerry Whitney Memorial Conference Room at 300 Route 10 South, Grantham, NH.

Present: Chairman Warren Kimball; Selectman Ken Story; Selectman Constance Jones; Administrative Assistant Ann Jasper; Police Chief Walter A. Madore, Sr.; Fire Chief Jay Fountain; C. Peter James; and Betsey McNaughton of NH Fish & Game

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Administrative Assistant Ann Jasper

ADMINISTRATIVE – APPROVED

- Payroll Manifest #445
- Accounts Payable Manifest #439
- Property Tax Refunds (due to overpayment):
 - M/L 209-003-000; Off Turnpike Road - \$42.71
 - M/L 213-108-000; 35 Shore Road - \$26.63
 - M/L 222-114-000; 34 Slalom Drive - \$463.26
 - M/L 215-061-030; 30 Bay Tree Lane - \$7.82
 - M/L 213-014-000; 1 Auburn Brae - \$87.22

APPROVAL OF MINUTES

A motion to approve the regular and non-public meeting minutes of February 25, 2015 as written was made by Selectman Jones; seconded by Selectman Story. ***Unanimously approved.***

CORRESPONDENCE

- NH Department of Transportation: Notice was received from the New Hampshire Department of Transportation of the Proposed Resurfacing Program CY 2015. Pavement segments in Grantham have tentatively been scheduled for the summer of 2015 starting on Route 10 at a pavement joint south of Pine Hill Road in Croydon northerly to a pavement joint approximately 800 feet north of Exit 13 (I-89). Once a contract and schedule of work has been approved, the Contractor is required to provide written notice to the town between 7 and 14 work days in advance of the paving.
- Upper Valley Lake Sunapee Regional Planning Commission: Notice was received from the Upper Valley Lake Sunapee Regional Planning Commission of the New Hampshire 2017-2026 Ten-Year Transportation Improvement Plan. The Plan is evaluated and updated in a two year planning cycle. State and federal funding limitations have

Approved

resulted in the need to restrict the addition of new projects to the plan. The UVLSRPC Transportation Advisory Committee will evaluate and prioritize all projects currently on the Ten-Year Plan and all projects previously proposed for Ten-Year Plan consideration.

- New Hampshire Department of Health and Human Services: A letter was received from The New Hampshire Department of Health and Human Services stating towns will be provided with a poster and pad of tear-off sheets informing of the EPA's Renovation, Repair, and Painting (RRP) rule which requires contractors performing routine renovation activities that disturb more than six square feet of lead paint inside or twenty square feet of lead paint outside of a pre-1978 home, school, child care center, and other places where children spend time to be EPA Lead-Safe Certified.

OLD BUSINESS

- Olde Farms Road Bridge: No new information.
- Diane Shagoury; Conservation Easement Deed Condition/Butternut Pond Property: Betsey McNaughten, a Land Agent at New Hampshire Fish and Game, introduced herself and said she would like to clarify why she was attending this meeting. She advised that she was there to understand more of the history of the condition that is in the Conservation Easement Deed to New Hampshire Fish and Game on Tract 1 of land owned by Diane Shagoury. She stated she is not there to ask the town to remove it because she knows they can't do that and understands that it has to go to court for that.

McNaughten said she was hoping that Merton Hastings would be at this meeting so he could give her some history as to why this covenant is in the deed and she could then explain it to the property owner, Diane Shagoury. She noted that Shagoury is a historian and knows a lot about history in Grantham and relayed that Shagoury understood the following: that Merton W. Hastings, Sr. was the one who put the covenant on tract 1 (stating the land may never be conveyed to any organization or institution or anyone else whereby it would become tax exempt property of any kind or nature); tract 1 is around Butternut Pond and the covenant was put in place because the town was doing some sort of view tax at that time and increasing the taxes on waterfront property; that he was somehow involved in the town and Shagoury believed he put this condition on the property because he wanted the town to benefit from the tax revenue of it being subdivided and the homes that could have potentially been built. McNaughten stated the property was then transferred two or three times and the Goodwin's conveyed a Conservation Easement to the New Hampshire Fish and Game Department which negates any development and, as she sees it, the town is the only entity that benefits from the \$100.00 that it gets a year from Shagoury. She said she was hoping the Selectmen knew some of the history with the Hastings and why this condition was placed on the property. She further explained that Shagoury was thinking about donating the property to New Hampshire Fish and Game and if that happens, they will have to go to court to ask for a Petition of Deviation to remove the covenant and believed the town would have to be a party to that as a former owner of the property. She stated she really wants to understand why the covenant is there.

Approved

Chairman Kimball told McNaughten that the Selectmen have looked at this and he pointed out that the email she sent to Shagoury explained that if she wishes to change it, she initially has to hire a lawyer and go to court. He told McNaughten that Administrative Assistant Ann Jasper has worked with real estate attorneys and might be able to help. Jasper said it appeared from McNaughten's email to Shagoury that she was confused as to why the covenant that was placed on the property ended up in the Conservation Easement to New Hampshire Fish and Game. She explained that the deed by which someone acquires property contains a description of the property and when easements are granted on the property, the description of the land that is in the deed, including covenants, restrictions, rights-of-ways, etc., must go into the easement. McNaughten said she understands because that's what she does for the state but in this case, she would have questioned the attorney general whether this condition is pertinent to an easement. Jasper replied that even if it wasn't pertinent to the easement, she didn't think it could be left out. McNaughten said she would still question it. Jasper said she believed that if for any reason the condition was left out, it would be implied that it was there. McNaughten agreed.

Jasper informed that Shagoury would have to either petition the court to have the condition removed or attempt to find all the heirs of Merton W. Hastings, Sr. to see if they would agree to have the condition removed and believed that would also have to go through the court. Jasper said it was her understanding that the court usually won't remove a condition from a deed unless it is no longer applicable and it's possible that the judge would take into consideration Merton W. Hastings, Sr.'s intent to have this condition in perpetuity. McNaughten replied there was no way to enforce it, which was her big question. She said if Shagoury chooses this path, she would probably reach out to Merton W. Hastings, Sr.'s heirs. Jasper said she believes it is enforceable.

McNaughten said she was here to support Shagoury in selling the property. Chairman Kimball said whether Shagoury knew about the covenant or not, it was there when she bought the property and it is hers. He added that the Board is willing to support anything she wants to do but they have no means of changing it.

McNaughten asked if Butternut Pond Road would remain a Class VI road. Selectman Jones said yes, that there is an extensive folder on that road in the Selectmen's office which she could look at some time if she would like.

- Town of Newport, NH (Backup for New London Ambulance Service): Fire Chief Jay Fountain informed that Town Administrator Melissa White is in the process of working something out with Lebanon Fire Chief Christopoulos to have Lebanon provide backup for New London Ambulance Service. He said New London added four more full time paramedics and are increasing the hours on the second ambulance which will also be the primary transport vehicle instead of using the primary 911 ambulance. He continued New London will also increase staff over the summer during high peak hours and will have two full time 24/7 ambulances and possibly a third on high traffic weekends which should lower the amount of backup needed.
- Upper Valley Hawks; Pop Warner Football/Cheerleading Organization: No update.

Approved

NEW BUSINESS

- Shoreline Protection Cutting Plan; M/L 213-027-000; 5 Rolling Hill/Mark and Michaela Hildreth: A motion to approve the Shoreline Protection Cutting Plan at 5 Rolling Hill as recommended by the Grantham Conservation Commission was made by Selectman Story; seconded by Selectman Jones. **Unanimously approved.**
- Energy Committee Appointments: A motion to appoint Debra Hammett to the Energy Committee was made by Selectman Story; seconded by Selectman Jones. **Unanimously approved.**

DEPARTMENT/COMMITTEE REPORTS

- Fire Department – February Report:
 - Responded to 13 calls consisting of 6 EMS and 7 Fire/Rescue
 - Training was SCBA Review and Rescue Evolutions with Springfield Fire Department. They also worked on extrication with hydraulic rescue tools and conducted the training at night to make it more interesting. They are trying to organize a cold water/ice rescue training with Springfield and Croydon in April and are working on getting an outside instructor to give them some fresh ideas and a fresh look at how to do things.
 - Chief Fountain attended the New Hampshire Chiefs meeting in Concord at the Fire Academy. The meeting was followed by training on the updated ISO ratings and what needs to be done to improve a department's/town's insurance rating. Both meetings were informative and Chief Fountain is working on getting one of the ISO representatives to come to the station to work with them on improving their insurance rating.
 - Chief Fountain attended the Mid-Western NH Hazardous Materials training and meeting.
 - Selectman Jones noted that the Emergency Management Team has been working on updates to the Emergency Operating Plan which is almost complete.
- Police Department – February Report:
 - Sergeant Parsons read to K-3 at Grantham Village School to kick off the vacation reading program on February 13, 2015. His animated reading techniques earned him a spot as a reader for the Grantham Village School Summer Reading Program.
 - The Department participated in three emergency drills at Grantham Village School. Chief Madore informed they are still working on getting the COPsync911 implemented. He said he still has one cruiser that needs the system installed which will happen shortly and then they can test the system.

Approved

OTHER

- Police Chief Walter A. Madore, Sr. asked the Board for clarification on the Town Ordinance Regulating Heavy Hauling Over Town Highways and how it applies to Casella trash pickup trucks. Chief Madore showed a picture of a Casella truck that was on Walker Road the previous day, March 10, 2015, and said it was a single axle truck with a packer on it. He told the Board that he felt this may fall under number 2 of the "Exceptions" of this Ordinance which states "2) Delivery vehicles making occasional trips to service residences." Chairman Kimball said it does look like Casella is making an effort to use smaller trucks. Selectman Jones asked if Casella was using bigger trucks prior to the picture from March 10. Chief Madore answered yes. After discussion the Board determined that they need more information from Casella regarding the specific truck(s) they are using in order to give Chief Madore clarification to his question.

- Selectman Jones stated Article 10 passed at Town Meeting and informed that Road Agent Jeff Hastings called Gateway Motors about ordering the new 1-Ton truck as approved by the Warrant Article and was informed that they are not taking orders for 2016 models yet. Selectman Jones informed that they did have the exact truck that Hastings was going to order on their lot, fully equipped with everything he wanted at a price of \$82,120.00 When Hastings stopped by to look at the truck, the price was down to \$81,220.00 which is \$3,780.00 less than the \$85,000.00 that was approved in Article 10. Selectman Jones expressed that if Hastings bought this truck now, he could have it to use this summer. She advised that she called to verify that this can be done because the Selectmen are agents to expend from the Highway Equipment Capital Reserve Fund. She was told that we can do this now because we would be saving money. The process would be that after Town Clerk/Tax Collector Rita Friedman completes her minutes of Town Meeting and Town Administrator Melissa White completes the MS-232 form and both of those are submitted to the New Hampshire Department of Revenue, we would ask them if they would disallow Article 10 for the 2015-2016 budget. Selectman Jones said she feels this would be the logical way to proceed. Chairman Kimball and Selectman Story agreed that this is a good plan. Resident C. Peter James also agreed.

A motion to approve the withdrawal of eighty-one thousand two hundred twenty dollars from the Highway Equipment Capital Reserve Fund for the purchase of a new 1-Ton Truck for the Highway Department from Gateway Motors Inc. was made by Selectman Story; seconded by Selectman Jones. **Unanimously approved.**

- C. Peter James informed the Board that he called the New Hampshire Department of Revenue about the budget form that was brought up at Town Meeting. He said he was told that it was designed for towns and villages that operate on a calendar year. He continued that they are aware of the problem and the previous manager didn't want to do anything about it but they have a new manager now and the person he spoke with was going to bring it up at the next staff meeting and follow up and see what happens. James said they are aware that there needs to be an extra column for towns operating on a fiscal year. Selectman Jones thanked James for checking on that.

- Selectman Jones stated that in April, the Town Moderator will be coming and we will have a debriefing on Town Meeting to go over things that we might improve upon.

- A motion to appoint Selectman Warren Kimball as Chair of the Board of Selectmen was made by Selectman Jones; seconded by Selectman Story. **Approved by majority vote.**

Approved

- Selectman Jones contacted Sheryl Pratt of Plodzik & Sanderson and Tammy Letson of Crane & Bell regarding compliance with GASB Statement No. 45 and 43. Jones said will have a report ready for the next Board of Selectmen meeting regarding actuaries and compliance.

ADJOURNMENT

There being no further business, Selectman Story moved to adjourn, seconded by Selectman Jones; **by unanimous vote, the Board adjourned at 5:47 pm.**

The next Selectmen's Meeting will be held on **Wednesday, March 25, 2015** at 5:00pm in the Grantham Town Building; Jerry Whitney Memorial Conference Room at 300 Route 10 South, Grantham, NH.

Respectfully submitted,



Ann Jasper
Administrative Assistant